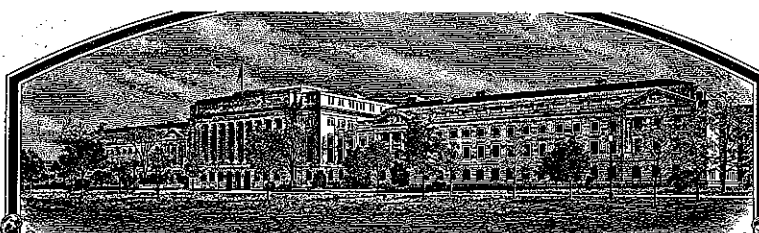


No.

200400148



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pure Seed Testing, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

FESCUE, TALL

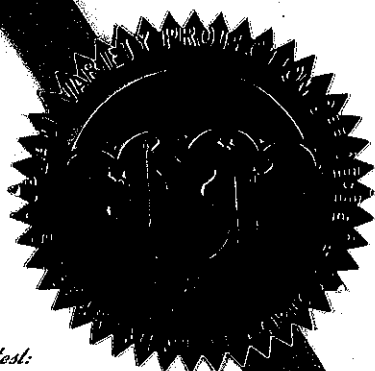
'Dynamic'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this fifteenth day of June, in the year two thousand and seven.

Attest:

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

Secretary of Agriculture

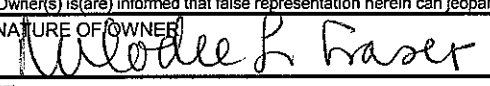
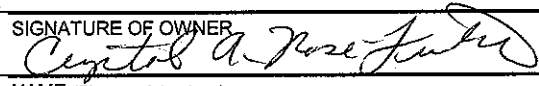


U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and The Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE  
(Instructions and information collection burden statement on reverse)

1. NAME OF OWNER <b>Pure Seed Testing, Inc.</b>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME <b>PST-57E</b>		3. VARIETY NAME <b>Dynamic</b>	
4. ADDRESS (Street and No., or RFD No., City, State, and ZIP Code, and Country) <b>PO Box 176-449 Rolesville, NC 27571 Hubbard, OR 97032 (St: 7/14/2006 per applicant's authorization)</b>		5. TELEPHONE (include area code) <del>919-556-0140</del> <b>503.263.0719</b>		FOR OFFICIAL USE ONLY PVPO NUMBER <b>200400148</b>	
6. FAX (include area code) <del>919-556-0174</del> <b>503.263.0703</b>		7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) <b>Corporation</b>		8. IF INCORPORATED, GIVE STATE OF INCORPORATION <b>Oregon</b>	
9. DATE OF INCORPORATION <b>1975</b>		10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)		FILING AND EXAMINATION FEES: <b>\$ 3652<sup>15</sup></b> DATE <b>3/23/2004</b> CERTIFICATION FEE: <b>\$ 768.00</b> DATE <b>6/7/2007</b>	
11. TELEPHONE (include area code) <b>919-556-0146</b>		12. FAX (include area code) <b>919-556-0174</b>		13. E-MAIL <b>mlkfraser@aol.com</b>	
14. CROP KIND (Common Name) <b>tall fescue</b>		15. GENUS & SPECIES NAME OF CROP <b>Festuca arundinacea</b>		16. FAMILY NAME (Botanical) <b>Gramineae</b>	
17. IS THE VARIETY A FIRST GENERATION HYBRID? <b>No</b>		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT COMMERCIALIZATION.			
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes," answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no," go to item 23)			
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED			
b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness		22. DOES THE OWNER SPECIFY THAT THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)			
c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety		23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U.S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)			
d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)			
e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership		25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue will be deposited in a public repository and maintained for the duration of the certificate.			
f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)		The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.			
g. <input checked="" type="checkbox"/> Filing and Examination fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.			
SIGNATURE OF OWNER 		SIGNATURE OF OWNER 			
NAME (Please print or type) <b>Melodee L. Fraser</b>		NAME (Please print or type) <b>Crystal A. Rose-Fricker</b>			
CAPACITY OR TITLE <b>Director of Research - East</b>		CAPACITY OR TITLE <b>President</b>		DATE <b>March 16, 2004</b>	
DATE <b>10 Mar 04</b>					

**Exhibit A****Origin and Breeding History of 'Dynamic' Tall Fescue**

'Dynamic' (PST-57E) tall fescue was developed and released by Pure Seed Testing, Inc., Hubbard, OR. During the spring of 1997, 40 early-maturing, bright green, low-growing plants were selected from three tall fescue nurseries near Hubbard. Twenty of these plants had been selected for good turf quality and summer performance in a turf trial seeded during the late summer of 1995 at Adelphia, NJ. Thirteen plants had been selected for brown patch resistance and good summer turf performance in a turf trial seeded during the late summer of 1995 near Rolesville, NC. Seven plants had been selected for dark color and very low growth habit. These 40 plants were transplanted, prior to anthesis, into an isolated polycross designated 57E near Hubbard and interpollinated during the summer of 1997. Seed was subsequently harvested from each plant and used to establish progeny turf evaluation plots near Rolesville during the late summer of 1997.

During the spring of 1998, based on progeny turf performance and stem rust susceptibility, ten plants were removed from the 57E polycross prior to anthesis. The remaining plants interpollinated and seed was subsequently harvested from 25 plants exhibiting good stem rust resistance and high floret fertility during the summer of 1998.

Seed from this harvest was used to establish an isolated 3500-plant nursery near Hubbard during the fall of 1998. During the spring of 1999 plants were removed from this nursery, prior to anthesis, to increase uniformity of maturity and plant type. Selection criteria for remaining plants were good progeny turf performance, low growth habit, bright dark green color and freedom from stem rust symptoms. Remaining plants were allowed to interpollinate and Breeder seed was subsequently harvested from 349 plants during the summer of 1999.

The plants harvested to produce the Breeder seed of Dynamic traced their maternal origins to the following sources: 21% to 'Olympic Gold', 19% to a plant collected from a park in Lexington, KY during 1979; 14% to 'Apache'; 12% to plants used in the development of 'Mini-Mustang'; 11% to 'Rebel Jr.'; 10% to plant MD 4791 from the New Jersey Agricultural Experiment Station (NJAES); 8% to 'Gazelle'; 3% to 'Coronado Gold'; 1% to 'Dominion' and 1% to plant W24 from NJAES.

Seed production of Dynamic is limited to three generations of increase from Breeder seed: one each of Foundation, Registered and Certified. Pure Seed Testing, Inc. maintains Breeder seed in Oregon. Dynamic has shown uniformity and stability increased through the Certified seed generation. No off-types or variants have been observed in the production or multiplication of Dynamic tall fescue.

**Exhibit B****Statement of Distinctness for Dynamic Tall Fescue**

Dynamic is most similar to 'Olympic Gold' tall fescue. They differ in the following characteristics:

1. Dynamic has a mean top flag leaf height at least 4.4 cm shorter than Olympic Gold (Tables 1, 2).
2. Dynamic has a mean internode length at least 3.4 cm shorter than Olympic Gold (Tables 1, 2).
3. Dynamic has a mean panicle length at least 3.8 cm shorter than Olympic Gold (Tables 1, 2).
4. Dynamic has a mean initial heading date at least 5 days later than Olympic Gold (Table 3).

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720-2791. To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal opportunity employer.

**U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY PROGRAM  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705**

**EXHIBIT C  
(TALL & MEADOW FESCUES)**

**OBJECTIVE DESCRIPTION OF VARIETY  
TALL & MEADOW FESCUES  
(*Festuca* spp.)**

**200400148**

NAME OF APPLICANT(S) **Pure Seed Testing, Inc.**

TEMPORARY DESIGNATION

VARIETY NAME

**PST-57E**
**Dynamic**

ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code)

**P.O. Box 449  
Hubbard, OR 97032**

FOR OFFICIAL USE ONLY

PVPO NUMBER

**841004007**

Place the appropriate number that describes the varietal characteristics of this variety in the boxes below. Use leading zeroes when necessary (e.g. 089). Characteristics described, including numerical measurements, should represent those that are typical for the variety. Measured data should be for SPACED PLANTS. Royal Horticultural Society or any recognized color fan may be used to determine plant colors. Characteristics marked with an asterisk \* are characteristics which should be recorded.

\* 1. SPECIES: (With comparison varieties, use varieties within the species of the application variety)

1

1 = *F. arundinacea* (Tall)

**Turf Types**

1 = Kentucky 31 2 = Rebel

3 = Olympic

4 = Bonanza

5 = Arid

6 = Rebel II

7 = Shortstop

8 = Silverado

9 = Rebel Jr.

10 = Mini Mustang

11 = Crewcut

12 = Bonsai

**Forage Types**

20 = Kentucky 31

21 = Martin

22 = Forager

23 = Mozark

24 = Kenhy

25 = AU Triumph

26 = Fawn

27 = Cajun

2 2 = *F. pratensis* (Meadow)

30 = Admira

31 = Beaumont

32 = Comtessa

33 = Ensign

34 = Trader

\* 2. CYTOLOGY:

**42** Chromosome Number

3. ADAPTATION: (0 = Not Tested; 1 = Not Adapted; 2 = Adapted)

2 Transition Zone

2 West

2 Northeast

Other (Specify): \_\_\_\_\_

\* 4. MATURITY: (Date First Headed, 10% of Panicle Emergence)

6 Maturity Class 1 = Very early ( )

2 = AU Triumph

3 = Early (Fawn) 4 = K31, Kenhy 5 = Medium (Rebel)

4. MATURITY: (continued)

6 = Bonanza

7 = Late (Silverado)

8 = ( )

9 = Very late

200400148

Date Headed **03 May 02**

Location **Hubbard, OR (Table 3)**

\_\_\_\_\_ Days earlier than \_\_\_\_\_  
 Maturity same as **8**  
 \_\_\_\_\_ Days later than \_\_\_\_\_

} Comparison Variety

\* 5. MATURE PLANT HEIGHT CM: (Average of 100 culms \* INTERNODE LENGTH CM: (Table 1)  
 from crown to top of panicle, if panicle is nodding, straighten) (First internode subtending the flag leaf)

**83.0** cm Height  
**47.5** cm Shorter than **1**  
 Height same as \_\_\_\_\_  
 \_\_\_\_\_ cm Taller than \_\_\_\_\_

} Comparison Variety

**13.8** cm Internode Length  
**13.6** cm Shorter than **1**  
 Length same as \_\_\_\_\_  
 \_\_\_\_\_ cm Longer than \_\_\_\_\_

} Comparison Variety

\* HEIGHT AT EAR EMERGENCE CM: (Flag leaf height from crown to flag leaf collar) (Table 1)

**38.5** cm Height  
**32.8** cm Shorter than **1**  
 Height same as \_\_\_\_\_  
 \_\_\_\_\_ cm Taller than \_\_\_\_\_

} Comparison Variety

\* 6. GROWTH HABIT: (Mature Plants)

**7** 1 = Prostrate ( ) 3 = Semiprostrate ( ) 5 = Horizontal ( )  
 7 = Semierect (Rebel) 9 = Erect (Mini Mustang)

\* 7. RHIZOMES (Psuedo):

**1** mm Length 1 = Absent ( ) 2 = Rare (Rebel) 3 = Common ( )

\* 8. LEAF BLADE: (Tiller leaves/ turf color)

**\*7** Color: 1 = Light green ( ) 3 = Medium light green ( ) 5 = Green ( )  
 7 = Medium dark green ( ) 9 = Very dark green ( )

**6** Specify rating of comparison variety **8**

**\*1** Anthocyanin: 1 = Absent ( ) 9 = Present ( )

**\*1** Basal Hairs: 1 = Absent ( ) 9 = Present ( )

**\*9** Margins: 1 = Smooth ( ) 5 = Semi-rough ( ) 9 = Rough ( )

\* **5** Width Class: 1 = Very coarse ( ) 3 = Coarse ( ) 5 = Medium ( )  
7 = Fine ( ) 9 = Very Fine ( )

\* **TILLER LEAF LENGTH CM:** (First leaf subtending the flag leaf) (**Table 1**) \* **TILLER LEAF WIDTH MM:** (**Table 1**)

14.4 cm Tiller Leaf Length  
9.5 cm Shorter than 1  
Length same as \_\_\_\_\_  
\_\_\_\_\_ cm Taller than \_\_\_\_\_  
Comparison Variety

6.5 mm Tiller Leaf Width  
2.0 mm Narrower than 1  
Width same as \_\_\_\_\_  
\_\_\_\_\_ mm wider than \_\_\_\_\_  
Comparison Variety

**FLAG LEAF LENGTH CM:** (**Table 1**)

9.9 cm Flag Leaf Length  
7.3 cm Shorter than 1  
Length same as \_\_\_\_\_  
\_\_\_\_\_ cm Longer than \_\_\_\_\_  
Comparison Variety

**FLAG LEAF WIDTH MM:** (**Table 1**)

5.8 mm Flag Leaf Width  
0.8 mm Narrower than 1  
Width same as \_\_\_\_\_  
\_\_\_\_\_ mm Wider than \_\_\_\_\_  
Comparison Variety

\* **9. LEAF SHEATH: (Basal Portion)**

\***1** Anthocyanin (seedling): 1 = Absent (K31) 9 = Present ( )  
\***9** Auricle Hairiness: 1 = Absent ( ) 9 = Present ( )

\* **10. PANICLE: (At seed maturity except where noted.)**

\***1** Shape: 1 = Narrow-tapering ( ) 5 = Ovate ( ) 7 = Oblong ( ) 9 = Other (specify)  
\***1** Type: 1 = Compact (appressed) 5 = Intermediate ( ) 7 = Open ( ) 9 = Other (specify)  
\***1** Orientation: 1 = Nodding ( ) 9 = Erect ( )  
\***9** Branch Pubescence: 1 = Glabrous ( ) 9 = Pubescent ( )  
\***1** Anther Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green  
4 = Purplish 5 = Reddish 6 = Other (Specify)  
\***2** Glume Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green  
4 = Purplish 5 = Reddish 6 = Other (Specify)

\***17.8** cm Panicle Length (from base to tip, if nodding, straighten; after anthesis) (**Table 1**)

9.8 cm Shorter than 1  
Length same as \_\_\_\_\_  
\_\_\_\_\_ cm Longer than \_\_\_\_\_  
Comparison Variety



\* 11. SEED: (With Lemma & Pelea)

\* 2820 mg per 1000 seeds

200400148

\_\_\_\_\_ mg Less than \_\_\_\_\_  
 Weight same as \_\_\_\_\_  
779 mg More than 8

} Comparison Variety

PALEA: (Keels or Margins)

5 Hairs: 1 = Absent ( ) 5 = Short (Missouri 96) 9 = Long ( )

LEMMA:

5 Hairs: 1 = Absent (Kenhy) 5 = Several ( ) 9 = Many (Missouri 96)

6.2 mm Lemma Length (Mature)

1.5 mm Lemma Width

\_\_\_\_\_ mm Shorter than \_\_\_\_\_  
 Length same as \_\_\_\_\_  
0.5 mm Longer than 8

} Comparison Variety

\_\_\_\_\_ mm Narrower than \_\_\_\_\_  
 Width same as \_\_\_\_\_  
0.2 mm Wider than 8

} Comparison Variety

\*AWNS: 9 AWNS: 1 = Absent ( ) 9 = Present (Falcon) 80 % Plants with awns

1.0 mm Awn length (Of those present.)

\_\_\_\_\_ mm Shorter than \_\_\_\_\_  
 Length same as \_\_\_\_\_  
0.2 mm Longer than 8

} Comparison Variety

12. DISEASE, INSECT, AND NEMATODE REACTION: (0= Not Tested 1= Least Resistant 9= Most Resistant)

- |   |   |
|---|---|
| <u>0</u> Melting-out <i>Drechslera poae</i>         | <u>0</u> Blind Seed <i>Gloeotinia temulenta</i>       |
| <u>0</u> Leaf Spot <i>D. siccans</i>                | <u>7</u> Dollar Spot <i>Lanzia, Mollerdiscus</i> spp. |
| <u>7</u> Net Blotch <i>D. dictyoides</i>            | <u>6</u> Stem Rust <i>Puccinia graminis</i>           |
| <u>6</u> Brown Patch <i>Rhizoctonia solani</i>      | <u>0</u> T. Blight <i>Typhula incarnata</i>           |
| <u>0</u> C. Leaf Spot <i>Cercospora fectuae</i>     | <u>5</u> Pythium Blight <i>Pythium</i> spp.           |
| <u>6</u> Pink Snow Mold <i>Gerlachia nivalis</i>    | <u>0</u> Powdery Mildew <i>Erysiphe graminis</i>      |
| <u>0</u> Silver Top <i>F. tricinctum, F. roseum</i> | <u>6</u> Crown Rust <i>Puccinia coronata</i>          |

Other Disease \_\_\_\_\_

Other Insect \_\_\_\_\_

Other Nematode \_\_\_\_\_

13. ENVIRONMENTAL STRESS

7 Drought Stress 1 = Susceptible ( ) 5 = Tolerant ( ) 9 = Resistant ( )

5 Shade Stress 1 = Susceptible ( ) 5 = Tolerant ( ) 9 = Resistant ( )

## 13. ENVIRONMENTAL STRESS: (continued)

7 Winter Stress

1 = Susceptible ( )

5 = Tolerant ( ) 9 = Resistant ( )

200400148

14. GIVE VARIETY OR VARIETIES THAT MOST CLOSELY RESEMBLE THE APPLICATION VARIETY. For the following characteristics, indicate the degree of resemblance with the following scale:

1 = Application variety is less than comparison variety 2 = Same as 3 = More than, better, greater, darker, etc.

Character	Varieties	Rating	Character	Varieties	Rating
Leaf Width	<b>Olympic Gold</b>	<b>1</b>	Leaf Color	<b>Olympic Gold</b>	<b>3</b>
Panicle Color			Panicle Shape		
Seed Size	<b>Silverado</b>	<b>3</b>	Cold Injury	<b>Olympic Gold</b>	<b>2</b>
Winter Color	<b>Olympic Gold</b>	<b>2</b>	Heat	<b>Olympic Gold</b>	<b>3</b>
Disease	<b>Olympic Gold</b>	<b>2</b>			

\* 15. EXPERIMENTAL: Give a brief summary of the experimental design utilized to collect the data used on this form. Cultural conditions, number of plants measured and plant spacing must be specified.

A tall fescue spaced-plant trial was planted fall of 2001 near Hubbard, OR. Tillers from 25 plants in each of four replications were measured during the summers of 2002 and 2003.

**Exhibit D****Additional Description of Dynamic Tall Fescue**

1. Dynamic has shown good brown patch resistance (Tables 4, 5) and moderate stem rust resistance and (Table 6).

Table 1. 2002 mean morphological measurements for entries in a tall fescue spaced-plant trial planted fall of 2001 near Hubbard, OR.

Entry	Plant Height (cm)	Flag Leaf Height (cm)	Internode Length (cm)	Tiller Leaf Length (cm)	Tiller Leaf Width (mm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Panicle Length (cm)	Tiller Count (#/100cm <sup>2</sup> )
Kentucky 31	130.5	71.3	27.4	23.9	8.5	17.2	6.6	27.6	38.3
Olympic Gold	98.1	45.7	22.8	18.2	7.3	15.2	6.4	21.7	57.4
Silverado	84.5	42.5	14.1	14.9	6.7	13.1	6.5	20.5	60.6
Dynamic	83.0	38.5	13.8	14.4	6.5	9.9	5.8	17.8	53.1
LSD (0.05)	3.6	2.4	1.1	1.1	0.5	1.0	0.6	1.1	12.1

Table 2. 2003 mean morphological measurements for entries in a tall fescue spaced-plant trial planted fall of 2001 near Hubbard, OR.

Entry	Plant Height (cm)	Flag Leaf Height (cm)	Internode Length (cm)	Tiller Leaf Length (cm)	Tiller Leaf Width (mm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Panicle Length (cm)	Tiller Count (#/100cm <sup>2</sup> )
Kentucky 31	145.2	96.4	31.4	37.3	9.4	23.8	8.1	35.7	352.1
Olympic Gold	116.5	67.9	24.2	23.7	4.8	18.5	4.9	26.5	453.3
Dynamic	112.1	60.7	20.8	22.9	4.9	18.1	4.7	22.7	374.6
Silverado	110.7	64.3	21.7	26.0	4.8	18.8	4.5	28.3	397.2
LSD (0.05)	6.2	5.5	1.4	1.6	0.4	1.4	0.4	2.7	81.1

Table 3. Mean initial heading dates for entries in a single row tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	2002	2003
Silverado	04 May	03 May
Dynamic	03 May	30 April
Olympic Gold	28 April	21 April
Kentucky 31	25 April	08 April
LSD (0.05)	5 days	8 days

Table 4. 2002 mean drought dormancy recovery, brown patch and turf quality ratings for entries in a tall fescue turf trial seeded fall of 2000 near Rolesville, NC.

Entry	Drought Recovery 4 July	Brown Patch				Turf Quality		
		24 July	1 Aug	6 Aug	Mean	2001	2002	Mean
PST-5BAB	5.7 <sup>1</sup>	7.7 <sup>2</sup>	6.7	6.7	7.0	5.6 <sup>3</sup>	5.7	5.7
Dynamic	5.7	7.0	6.7	6.7	6.8	5.5	5.7	5.6
Tar Heel	5.0	8.0	6.0	6.3	6.8	5.3	5.0	5.2
Olympic Gold	5.3	7.0	6.3	5.3	6.2	4.7	4.9	4.8
Coronado	3.7	6.0	5.0	5.0	5.3	4.4	4.5	4.4
Silverado	5.3	7.3	5.7	6.3	6.4	3.8	4.7	4.2
Eldorado	4.0	6.0	6.7	5.7	6.1	3.0	3.2	3.1
LSD (0.05)	1.4	1.6	1.9	2.4	1.7	1.0	1.0	0.9

<sup>1</sup>9 = 100% recovered; <sup>2</sup>9 = no disease; <sup>3</sup>9 = ideal

Table 5. 2002 mean brown patch ratings for entries in national tall fescue turf trials seeded fall of 2001 at six locations in the US.

Entry	AR1	IL2	IN1	OK1	VA1	WI1	Mean
Kentucky 31	8.0 <sup>1</sup>	5.7	8.7	3.0	8.7	8.0	7.0
Tar Heel	7.3	4.3	8.0	3.3	8.0	8.3	6.6
Olympic Gold	7.0	4.3	8.0	2.7	8.3	7.7	6.3
<b>Dynamic</b>	<b>5.0</b>	<b>5.7</b>	<b>8.0</b>	<b>3.3</b>	<b>7.3</b>	<b>8.0</b>	<b>6.2</b>
Bonsai	5.7	4.3	7.0	6.0	6.0	6.7	5.9
DP 50-9082	4.3	2.7	6.7	4.7	4.7	7.7	5.1
<b>LSD (0.05)</b>	<b>3.3</b>	<b>3.3</b>	<b>1.5</b>	<b>1.6</b>	<b>2.4</b>	<b>0.9</b>	<b>1.0</b>

<sup>1</sup>9 = no disease

Table 6. Mean stem rust ratings for entries in a tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	2002	2003
Kentucky 31	6.0 <sup>1</sup>	6.0
Matador	7.0	5.5
<b>Dynamic</b>	<b>6.0</b>	<b>5.5</b>
Silverado	3.0	5.0
Olympic Gold	5.5	4.5
Eldorado	2.0	3.0
<b>LSD (0.05)</b>	<b>2.2</b>	<b>1.8</b>

<sup>1</sup>9 = no disease

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 652a) and the Paperwork Reduction Act (PRA) of 1995.

**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP**

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)  <b>Pure Seed Testing, Inc.</b>	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER  <b>PST-57E</b>	3. VARIETY NAME  <b>Dynamic</b>
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)  <b>PO Box 449 Hubbard, OR 97032</b>	5. TELEPHONE (include area code) <del>919-556-0146</del> <b>503-263-0719 (BT: 7/14/2006)</b>	6. FAX (include area code) <del>919-556-0174</del> <b>503-263-0703 (BT: 7/14/2006)</b>
7. PVPO NUMBER <b>200400148</b>		

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or U.S. based company?  
If no, give name of country ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer the following:

- a. If original rights to variety were owned by individual(s), is (are the original owner(s) a U.S. national(s)?
- ☐ YES ☐ NO If no, give name of country \_\_\_\_\_
- b. If original rights to variety were owned by a company, is the original owner(s) a U.S. based company?
- ☐ YES ☐ NO If no, give name of country \_\_\_\_\_

11. Additional explanation on ownership (If needed, use reverse for extra space):

**Pure Seed Testing, Inc. has licensed Dynamic to Landmark.****PLEASE NOTE:**

Plant variety protection can be afforded only to owners (now licensees) who meet one of the following criteria:

- If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
- If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
- If the applicant is an owner who is not the original breeder, both the original breeder and the applicant must meet one of the above criteria.

The original breeder may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact the USDA Office of Communications at (202) 720-5881 (voice) or (202) 720-7808 (TDD). To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

STD-470-E (02-97) (Destroy previous editions)